

REMARKS/ARGUMENTS

Prior to the entry of this amendment, claims 1, 2, 4-15 and 17-22 were pending in this application. No claims are amended, added or canceled herein. Therefore, claims 1, 2, 4-15 and 17-22 remain pending in the application. The Applicants respectfully request reconsideration and withdrawal of the rejections.

35 U.S.C. §102 Rejection, de Vos

The Office Action has rejected claims 1-2, 4-15 and 17-22 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,167,044 to de Vos et al. (hereinafter "de Vos"). The Applicant respectfully submits the following arguments pointing out significant differences between claims 1-2, 4-15 and 17-22 submitted by the Applicant and de Vos.

As noted previously, under de Vos, "navigation data including a software program for displaying a menu of service items and identification data corresponding to each service item is downloaded preferably beforehand from at least one navigation device selected by the end device." (Col. 5, lines 8-12) "The monitor of end device displays such a menu of the available service items and, if necessary, corresponding identification data thereof." (Col. 5, lines 12-15) "If a user selects a video and/or audio program through the input device from the menu by pointing the desired video program with a pointer in the monitor or by entering the identification data corresponding to the desired program, if displayed on the monitor, the identification data is supplied to the system manager by the end device via ATM switch." (Col. 5, lines 19-24) "The system manager down-loads a VOD-software program for end devices corresponding to a selected video program to the end device, after the system manager receives identification data from the set top box." (Col. 5, lines 39-42) That is, de Vos teaches providing a menu or program guide to a user for selection and download of VOD or other content. However, de Vos

does not disclose commanding the end device to store content before a user specifically requests the program.

The Office Action cites col. 3, lines 26-50 and col. 4, lines 20-54 to support the argument that de Vos teaches an end device "involved in storing contents and allow[ing] the user to get the programs before his/her request." Applicant's agree that de Vos teaches an end device involved in storing content but NOT before a user's request. Additionally, the Office Action cites col. 3, lines 56-64 and col. 4, lines 39-54 to support the argument that de Vos teaches "it received command from the distributor to store the program at user's location." The Applicant assumes "it" is intended to refer to the end device since the end device and navigation device are located at the user's location while other components of the system described in de Vos are not. However, Applicant's disagree that the cited portions, or any other portions of de Vos, teach an end device commanded to store content before it is requested by the user.

Col. 3, lines 26-50 describe the hardware of the end devices and navigation devices while col. 3, lines 56-64 indicate that the type of hardware used is not restricted since control software can be downloaded to the hardware. Col. 4, lines 20-54 describe storing video and/or audio data in one or more of a plurality of delivery SMUs. The video and/or audio data can be stored in an SMU based on demand data from end devices, i.e., "based on certain statistics or real time monitoring of the number of end devices requesting the particular video and/or audio program at a specific point in time." (Col. 4, lines 50-54) However, the SMUs are not end devices and are not located at the user's location. These cited portions, as well as the rest of de Vos, fail to disclose commanding the end device to store content before a user specifically requests the program. Rather, de Vos teaches downloading content to an end device only after receiving a selection from a user.

Claim 1, upon which claims 2, 4-7, and 21-22 depend, is directed to a method for distributing a program sent by a content distributor to a user location. Claim 14, upon which claims 15 and 17-20 depend, is directed to a distribution program product having code for

distributing a program sent by a content distributor to a user location. Both claim 1 and claim 14 recite in part "receiving a command from the content distributor to store the program at the user location before a user specifically requests the program." de Vos does not disclose receiving a command from the content distributor to store the program at the user location before a user specifically requests the program. Rather, de Vos teaches downloading content to an end device only after receiving a selection from a user. For at least these reasons, claims 1-2, 4-7, 14-15, and 17-22 are distinguishable from de Vos and should be allowed.

Claim 8, upon which claims 9-13 depend, is directed to a method for distributing a program sent by a content distributor to a user location and recites in part "commanding the user location to store the program from the content distributor without a user associated with the user location specifically requesting the program" and "sending the program to the user location for storage before a user specifically requests the program." de Vos does not disclose commanding the user location to store the program from the content distributor without a user associated with the user location specifically requesting the program or sending the program to the user location for storage before a user specifically requests the program. Rather, de Vos teaches downloading content to an end device only after receiving a selection from a user. For at least these reasons, claims 8-13 are distinguishable from de Vos and should be allowed.

CONCLUSION

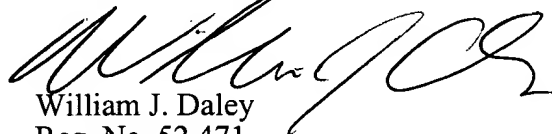
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

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Examining Group

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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